

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Jane Doe,

Plaintiff,

v.

United States of America, et al.,

Defendants.

No. CV-17-01991-PHX-PGR (JZB)

ORDER

On June 23, 2017, Plaintiff Jane Doe initiated this action by filing her Complaint against Defendants United States of America, Edward Mendoza, Vanessa Mendoza, James R. Toadvine, Jr., and Vicki Lynn Toadvine. (Doc. 1.) Plaintiff simultaneously filed a Motion to Proceed Under a Pseudonym, which is currently pending before the Court. (Doc. 2.)¹ Defendant United States has filed a Response declining to object to Plaintiff's Motion. (Doc. 20.) The Court will grant Plaintiff's Motion.

I. Background.

Plaintiff is currently a resident of the state of Oregon, but at the time of the alleged events, Plaintiff was an inmate incarcerated in Federal Prison Camp ("Phoenix FPC") located at 37900 N. 45th Avenue, Phoenix, Arizona 85086. (Doc. 2 at 2.) Plaintiff alleges that, while at Phoenix FPC, she "was sexually assaulted and victimized on a repeated basis by Defendants Edward Mendoza and James Toadvine." (*Id.*) Defendants Mendoza

¹ Plaintiff also submits, under seal, a proposed declaration in support of her Motion. (Doc. 6.) The Court will grant Plaintiff's Motion to Seal her Declaration.

1 and Toadvine are currently incarcerated in connection with their criminal conduct that
2 victimized Plaintiff. (*Id.*)

3 **II. Legal Standard.**

4 A plaintiff's use of a fictitious name "runs afoul of the public's common law right
5 of access to judicial proceedings . . . and [Fed. R. Civ. P.] 10(a)'s command that the title
6 of every complaint 'include the names of all the parties[.]'" *Does 1 thru XXIII v.*
7 *Advanced Textile Corp.*, 214 F.3d 1058, 1067 (9th Cir. 2000). However, "a party may
8 preserve his or her anonymity in judicial proceedings in special circumstances when the
9 party's need for anonymity outweighs prejudice to the opposing party and the public's
10 interest in knowing the party's identity." *Id.* at 1068. Where there is a risk of retaliation,
11 the Court should evaluate "(1) the severity of the threatened harm; (2) the reasonableness
12 of the anonymous party's fears; and (3) the anonymous party's vulnerability to such
13 retaliation." *Id.* (citations omitted).

14 **III. Discussion.**

15 "Plaintiff seeks to remain anonymous because of the sensitive nature of the issues
16 involved, because she is a victim of sexual crimes, and to ensure her physical safety and
17 emotional well-being." (*Id.* at 1-2.) In their Response, Defendants do not object to
18 Plaintiff's request, and concede that:

19 Although the Ninth Circuit "has not adopted any specific set of factors that
20 courts must consider when a plaintiff requests anonymity based on the
21 alleged humiliation, embarrassment or mental distress that she will suffer
22 by public disclosure of her identity." *Doe v. JB RAK LLC*, 2014 WL
23 5286512, at *4 (D. Nev. Oct. 15, 2014), it has been recognized that "Courts
24 have generally permitted plaintiffs to proceed anonymously when their
25 claims involved allegations of sexual assault and rape," *Doe v. Rose*, 2016
26 WL 913765, at *1 (C.D. Cal. June 6, 2016).

24 (Doc. 20 at 2.)

25 The Court finds that keeping Plaintiff's identity anonymous will not prejudice
26 Defendants, and the public will not be prevented from observing the proceedings or
27 rulings of the Court. Accordingly, the Court will grant Plaintiff's Motion to Proceed
28 Under a Pseudonym. *See Does 1 thru XXIII*, 214 F.3d at 1068.

IT IS ORDERED:

1. Plaintiff's Motion to Proceed Under a Pseudonym (doc. 2) is **granted**.

2. Plaintiff's Motion to Seal her Declaration In Support of the Motion to Proceed Under a Pseudonym (doc. 6) is **granted**.

2. Defendant United States of America, having responded to Plaintiff's Motion, has appeared in this action for service purposes, and is directed to file an answer to Plaintiff's Complaint (doc. 1) in accordance with the Federal Rules of Civil Procedure.

3. As of the date of this order, Plaintiff does not appear to have served Defendants Mendoza or Toadvine. Plaintiff must effect service of Defendants Mendoza and Toadvine in compliance with the Court's July 10, 2017 Order (doc. 11) and the Federal Rules of Civil Procedure.

Dated this 18th day of September, 2017.



Honorable John Z. Boyle
United States Magistrate Judge